I. Purpose

1.1 The Dixie State University (Dixie State University, DSU, or University) is authorized by the State of Utah, the Utah Board of Higher Education, the DSU Board of Trustees, and the DSU President to establish the Student Rights and Responsibilities Policy, also known as the “Student Conduct Code.”

1.2 The Student Conduct Code exists to notify students, faculty, and staff of the specific expectations the University maintains related to student behavior and the rights and responsibilities that accompany being a student and participating in student organizations. The University expects students to maintain standards of personal integrity in harmony with its vision and mission; to be responsible for their own actions; to observe national, state, local laws, all University regulations; and to respect the rights, privileges, and property of other people. The student conduct process is intended to be a learning experience which can provide growth, behavioral changes, and personal understanding of a student’s responsibilities and the consequences and impacts of one’s actions. This process balances the needs and rights of students with the needs and expectations of the University and larger community. It supports and values University principles and offers a broad range of responses, many of which are educational and restorative in nature. Students are treated with care and respect throughout the process, while being afforded the opportunity to receive due process and a fair hearing. Sanctions and interventions are designed to promote education and the University’s overarching mission. The Student Conduct Code defines University intervention, resolution options, sanctions, and other disciplinary action related to the behavior of both individual students and student organizations.
II. Scope

2.1 The University seeks to help students and student organizations learn to become reliable members of their community and students are expected to conduct themselves in a responsible manner at all times, whether on or off campus. The University’s Student Conduct Code applies to behavior that occurs on University premises (whether owned or leased) and at all University-sponsored programs and activities. It also applies to off-campus behavior that adversely affects the University community’s health, safety, welfare, actions that pose a threat to persons or property, or other conduct that may damage the institution’s reputation or relationship with the greater community (including behavior occurring in a foreign country, in another state, and behavior at all University activities, regardless of location).

2.2 This policy also applies to any allegation or incident of Sex-Based Discrimination, Sexual Harassment, or Retaliation involving students that does not otherwise fit within the scope of Policy 154 or, alternatively, does not fall within the jurisdiction of Policy 154. If a conflict exists between this policy and Policy 154, Policy 154 will take precedence.

2.3 The University recognizes students as adults involved in educational pursuits. The Student Conduct Code does not place the University in a custodial or parental relationship with students and does not impose upon the University any duty to protect students from participating in proscribed acts.

2.3.1 Formal appeal procedures are outlined the Procedure.

2.3.1.1 Although formal appeal procedures are outlined, the University encourages informal resolution of problems. Mutual consent of all parties is highly desired.

2.3.1.2 The Dean of Students (in coordination with the institutional C.A.R.E. Team or Designee) determines whether to exercise off-campus jurisdiction on a case-by-case basis.

2.3.1.3 The relevant administrator (Academic Dean or Dean of Students and their designee) retains discretion as to whether informal resolution is appropriate and adequate.

2.4 A student may face both the University student conduct process and/or criminal or civil litigation charges, since the same factual situation may allegedly violate both the Student Conduct Code and criminal or civil law. The student conduct process may happen before, during, or after criminal proceedings. Since the student conduct process is entirely separate from
criminal or civil litigation, legal outcomes do not affect the student conduct process nor will pending criminal or civil litigation stop or delay the student conduct process.

2.5 No document that describes guidelines for ethical standards can address every possible situation. Students are encouraged to seek additional advice or consultation in circumstances where the Student Conduct Code may not be definitive.

III. Definitions

3.1 Academic action: The recording of a grade or issuing of credit in a class; on an exam, activity, or assignment; or for a course or culminating project. It also includes a decision by the program or department to place a student on academic probation, or to suspend or dismiss a student from an academic program because the student failed to meet the relevant academic standards of the discipline or program. The term “academic action” does not include the decision by a department or program to refuse admission of a student into an academic program. Academic action also does not include academic sanctions imposed for academic misconduct or for professional misconduct.

3.2 Academic misconduct: Any violation of the University’s Academic Conduct policies.

3.3 Academic sanction: A penalty or restriction imposed based on a student’s academic standing, misconduct, or professional misconduct.

3.4 Behavioral misconduct: A violation of the Student Conduct Code.

3.5 Behavioral sanction: A penalty, restriction, or consequence imposed based on a student’s behavioral misconduct.

3.6 Cheating: Includes but is not limited to the use of unauthorized materials, information, or study aids in any academic exercise; failing to observe the expressed procedures or instructions of an academic exercise; substituting for or impersonating someone else during a test or exam or other fraud; or receiving the content of a test or exam before it is administered.

3.7 Coercion regarding grading or evaluation of coursework: Includes but is not limited to issuing threats or offering favors or bribes toward an instructor to coerce the instructor to change a grade or otherwise evaluate the student’s work by criteria not directly reflective of coursework.

3.8 Complainant refers to the University when a student is charged with an
alleged violation of the Student Conduct Code.

3.9 **Conduct Officer (Designee)** means a University official authorized by the Dean to investigate, facilitate student conduct hearings, and determine whether a student or organization has violated the Student Conduct Code. This employee is also authorized to impose sanctions when violation/s has been committed.

3.10 **Consent**: to sexual activity is consent that is informed, knowing and voluntary. And as defined in Policy 154.

3.11 **Copyright violation**: Includes but is not limited to copyright and other violations of the University’s policies. Such matters are adjudicated under the Student Behavioral Conduct section of this code.

3.12 **Course of Conduct**: means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose.

3.13 **Day**: Any day of the week or weekend.

3.14 **Dean / Dean of Students / Department Chair**: An academic or associate administrator assigned to supervise a particular program, department, or academic unit, or a specified designee.

3.15 **Dismissal**: The termination of student status for an unspecified period of time, which can be permanent. A student dismissed once a term has begun may be eligible for refunds according to the University schedule.

3.16 **Due process**: Includes the notice of alleged violations, right to be heard relative to the allegations, right to impartial decision and review, and the right to have student representation on hearing boards.

3.17 **Expulsion**: The permanent termination of student status. An expelled student may not petition for reinstatement. A student expelled once a term has begun may be eligible for refunds according to the published University refund schedule.

3.18 **Facilitating academic dishonesty**: Includes but is not limited to knowingly helping another student commit an act of academic misconduct or failing to report another student for academic misconduct.

3.19 **Faculty / Faculty member**: Any member of the faculty or the University faculty as a whole, including full and part-time instructors at all levels.

3.20 **Falsification / Fabrication / Misrepresentation**: Includes but is not limited to
the intentional and unauthorized invention of any data, information, or citation in an academic activity

3.21 **Inappropriate collaboration or collusion:** Includes but is not limited to unauthorized or inappropriate collaboration between students or between a student and any other person when individual work is required.

3.22 **Grievant:** Any individual accusing a University student of an offense of the Student Conduct Code. Also means an individual or individuals directly impacted by alleged violence (including domestic violence and dating violence), sexual misconduct, or stalking. An impacted party will have the right to observe the hearing for the respondent in their case, present information and provide written statements.

3.23 **Hazing:** An abusive or humiliating initiation into a group, club, organization, team, or affiliation.

3.24 **Instructor or Professor:** means any person hired by the University to conduct classroom, research or teaching activities or who is otherwise considered by the University to be a member of its faculty.

3.25 **Multiple submissions:** Includes but is not limited to the resubmission by a student of any work which has been previously submitted for credit in identical or similar form in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course; or the submission by a student of any work submitted for credit in identical or similar form in one course to fulfill the requirements of a concurrent course, without the permission/consent of the instructors of both courses.

3.26 **Notice / Notification:** The action of notifying a student or other entity, either written or printed.

3.27 **Plagiarism:** Includes but is not limited to the use of another's words or ideas as if they were one's own, including, but not limited to, representing, either with the intent to deceive or by the omission of the true source, part of or an entire work produced by someone other than the student, obtained by purchase or otherwise, as the student's original work or representing the identifiable but altered ideas, data, or writing of another person as if those ideas, data, or writing were the student's original work.

3.28 **Policy:** means the written rules and regulations of the University as found in, but not limited to, the Student Conduct Code; Residential Handbook; undergraduate, graduate, and professional catalogs or policies; faculty manual;
athletic policies, Policy Library and University web pages including the Office of Policy and Compliance. These include policies related to computer use, forgery, abuse, harassment, bribery, extortion, freedom of speech and expression, tobacco, vandalism, solicitation, sexual harassment, Title IX, non-discrimination policies, athletic participation, athletic events, use of facilities, travel, intramurals, DSUSA bylaws, and participation in student organizations or events.

3.29 **Professional misconduct:** A violation of the professional ethics and standards for an academic discipline or profession for which a student is preparing as recognized by the relevant academic program, including a specific misconduct that exemplifies a student’s unfitness for such a profession or academic discipline.

3.30 **Respondent:** The student accused of an offense under the University Student Conduct Code.

3.31 **Serious criminal offense:** Any felony or misdemeanor related to the harm or attempted harm of another person; related to theft or attempted theft of property; related to the possession, distribution, sale, or attempted sale of any illegal or controlled substance; or that otherwise demonstrates a significant or meaningful threat to the University community.

3.32 **Sex-Based Discrimination:** Adverse action or conduct toward any University employee or student in the terms or conditions of employment, University admission, education, access to a University program or activity, or other University benefit or service, on the basis of inclusion or perceived inclusion (in the case of sexual orientation, gender identity, or gender expression) in the protected classes of sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, gender expression, or family, marital or parental status, which has the effect of denying or limiting participation in a University program or activity; or used as the basis for a University’s or University employee’s decision affecting the individual (often referred to as “Quid Pro Quo”).

3.33 **Sexual Harassment:** Conduct committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved, which is one of the following:

3.33.1 **Quid Pro Quo:** When a University employee conditions the provision of aid, benefit or service of the University on an individual’s participation in unwelcome sexual conduct; and/or,

3.33.2 **Unwelcome conduct Sexual Harassment:** Unwelcome conduct*
determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

3.33.3 Sexual Assault: As defined at 20 U.S.C. 1092(f)(6)(A)(v) and the Uniform Crime Reporting System of the Federal Bureau of Investigation, any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including but not limited to any of the following:

3.33.4 Rape: The carnal knowledge (penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ) of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental or physical incapacity.

3.33.5 Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances in which the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental or physical incapacity.

3.33.6 Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

3.33.7 Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3.33.8  *Sex Offenses, Non-forcible:* Includes any of the following:

3.33.8.1  *Incest:* Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Utah Law.

3.33.8.2  *Statutory Rape:* Non-forcible sexual intercourse with a person who is under the statutory age of consent of 18 years of age.

3.33.9  *Dating Violence:* Violence committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

3.33.10  *Domestic Violence:* Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Utah, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Utah.

3.33.10.1  *To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The individuals cohabitating must be current or former spouses or have an intimate relationship.*

3.33.11  *Sex-Based Stalking:* Engaging in a course of conduct, on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person’s safety, or the safety of others, or suffer substantial emotional distress.

3.33.11.1  *For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to: Acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes,*
surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

3.33.11.2 Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

3.33.11.3 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

3.33.12 Sexual Exploitation: Any act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person’s sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio or videotaping of sexual activity, prostituting another person, human trafficking, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual’s knowledge.

3.34 Staff/Staff member: A person other than a faculty member who receives compensation for work or services from funds controlled by University, regardless of the source of funds, the duties of the position, or the amount of compensation paid, includes students with employment responsibilities.

3.35 Stalking: A course of conduct, directed at a specific person, that is unwelcome AND would cause a reasonable person to feel fear OR is repetitive and menacing; pursuit following, harassing and/or interfering with the peace and/or safety of another.

3.36 Student: A person who is currently, or was at the time of the offense or incident, matriculated and/or registered in any class or program of instruction or training offered by the University at any level, whether or not for credit.

3.37 Suspension: The termination of student status for a specified academic term or terms. A student suspended once a term has begun may be eligible for refunds according to the published University refund schedule.

3.38 University activity: Any activity, event, function, ceremony, or program sponsored, hosted, or under the auspices of the University, including instances where a student represents the University or engages in an academic activity related to the University.
3.39 **University community:** All students enrolled in classes at the University whether or not for credit; all individuals employed by the University in any capacity; and those individuals lawfully present on campus.

3.40 **University Directives:** Official or authoritative instruction intended to guide, or govern action and behavior among the University Community.

3.41 **University premises:** The University campus and other owned or controlled properties, buildings, or facilities, including locations where a University activity is being held.

3.42 **Vice President:** As specified, the Vice President of Academic Affairs, also known as the Provost, or the Vice President of Student Affairs, or a designee.

IV. **Policy**

4.1 **Student Rights:** In addition to constitutional and statutory rights and privileges derived from the United States of America and the State of Utah, students have specific rights as members of the University community. Nothing in this document is intended to limit or abridge students’ constitutional or statutory rights. Students are warranted the following rights and privileges and are also responsible to allow other members of the University community the same:

4.1.1 The right to an environment and climate conducive to uninterrupted learning and thinking. Teaching practices should be considerate of the student’s dignity and rights and individuals should be treated with courtesy and respect.

4.1.2 The right to reasonable notice of the general course content and requirements at the beginning of the course in the form of a syllabus.

4.1.3 The right to have performance and behavior evaluated promptly, conscientiously, and without prejudice or favoritism according to the criteria set forth at the beginning of the course in the form of a syllabus.

4.1.4 The right to participate or have meaningful representation in the formation of University policies which affect students.

4.1.5 The right to due process in any proceeding involving the possibility of serious sanctions.

4.1.6 The right to privacy and confidentiality according to rules and other statutory regulations.
4.1.7 The right to obtain and examine educational records that accurately reflect their performance and to challenge inaccurate or misleading information in their personal records.

4.1.8 The right to participate in the Student Association elections and to form student clubs and organizations according to the rules and policies set forth.

4.1.9 The right to perform student evaluations of faculty members and to have those evaluations seriously considered in the retention, promotion, tenure, and post-tenure reviews of faculty members.

4.1.10 Freedom from illegal discrimination, harassment, sexual harassment, or prejudicial treatment because of his/her race/ethnicity, color, national origin, age, religion, sexual orientation, gender identity/expression, sex, pregnancy, disability status, or protected veteran status.

4.1.11 Freedom and autonomy in intellectual pursuits and development.

4.1.12 Freedom of open discussion, inquiry, expression, and lawful assembly according to the Speech Policy 110.

4.1.13 Freedom from unreasonable search and seizure.

4.2 **Standards of Student Conduct:** In order to promote the personal and intellectual development of individuals, to protect the University community, and to maintain order on campus, students who participate in the following acts of behavioral and academic misconduct may be subject to behavioral sanctions or referrals. The list of behaviors which follows is not comprehensive and the University maintains the right to amend its rules and policies. The following standards apply to current students on or off University premises, while attending or participating in University sanctioned activities, or when representing the University.

4.2.1 Students are required to comply with all University Directives.

4.2.2 **Academic Misconduct:** In order to ensure that the highest standards of academic conduct are promoted and supported at the University, students must adhere to generally accepted standards of academic honesty. The University shall consistently hold students accountable for instances of academic dishonesty and apply appropriate sanctions as outlined in Section 6.13. The following behaviors are prohibited:

4.2.2.1 **Cheating:** Cheating includes using unauthorized sources of
information and providing or receiving unauthorized assistance on any form of academic work or engaging in any behavior specifically prohibited by the instructor in the course syllabus or class presentation.

4.2.2 **Plagiarism**: Plagiarism includes the copying of language, structure, images, ideas, or thoughts of another, and representing them as one’s own without proper acknowledgment, and is related only to work submitted for credit. Disciplinary action will not be taken for academic work in draft form.

4.2.2.3 **Unauthorized possession or disposition of Academic Materials**: Unauthorized possession or disposition of academic materials includes the unauthorized selling or purchasing of examinations, class notes, term papers, or other academic work; stealing another student’s work; and using information from or possessing exams that an instructor did not authorize for release to students.

4.2.4 **Fabrication and Distortion**: This encompasses any untruth/falsification, verbal or written, in one’s academic work.

4.2.5 **Facilitation of any act of Academic Misconduct**: Facilitation of any act of academic misconduct includes knowingly assisting another to commit an act of academic misconduct.

4.2.3 **Behavioral Misconduct**

4.2.3.1 Harassment and other Abusive Behavior:

4.2.3.1.1 Physical abuse, including (but not limited to) inflicting or threatening bodily harm upon any person or animal, or acting in a manner that creates a risk of bodily harm to any person, including oneself, or an animal.

4.2.3.1.2 Verbal abuse, threats, coercion, or other conduct, through any method of communication, which threatens or endangers the physical or psychological health, safety, or welfare of any person.

4.2.3.1.3 Any form of abusive behavior (as listed above) specific to current or former intimate partners.

4.2.3.1.4 Hazing or Bullying, which includes any action that
endangers the mental, physical, or emotional health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group, club, or student organization. Hazing also includes participating in, condoning, encouraging, requiring, or allowing an opportunity for hazing. A hazing violation may occur even when the victim initially expressed or implied consent.

4.2.3.2 **Discriminatory Harassment:** Harassment, in any form, through any means of communication on the basis of sex, gender identity or expression, veteran status, genetic information, race, creed, color, national origin or ancestry, sexual orientation, age, religion, pregnancy, or disability, including but not limited to any violation of federal or state laws, or University policy, prohibiting harassment.

4.2.3.3 **Retaliation:** Any form of abuse, threat, intimidation, bullying, coercion, harassment, or attempt to influence or interfere with another individual or group who submits a report, cooperates with an investigation or acts as a witness in an alleged violation of the Student Conduct Code, federal, state, or local laws and ordinances.

4.2.3.4 **Stalking:** Course of conduct is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

4.2.3.5 **Damage or Destruction and Theft:** Threatened, attempted or actual theft, damage, or misuse of any individual’s or University property, equipment, materials, data, or other resources.

4.2.3.6 **Misuse of Alcohol:**

4.2.3.6.1 Use or possession of alcohol as prohibited by law or University policy (Policies 155 and 158)

4.2.3.6.2 Manufacturing or distribution of alcohol as prohibited by law or University policy. (Policies 155 and 158)
4.2.3.6.3 Operating any vehicle while under the influence of alcohol, while impaired, or using any intoxicating substance.

4.2.3.6.4 Excessive use of alcohol resulting in a state of intoxication that endangers oneself or others.

4.2.3.7 **Misuse of Drugs:**

4.2.3.7.1 Use or possession of illegal drugs (under federal or state law) including but not limited to marijuana, methamphetamine, cocaine, opiates, LSD, mushrooms, heroin, designer drugs such as Ecstasy/GHB, other controlled substances, or any substance used for an intoxicating effect.

4.2.3.7.2 Use or possession of prescription drugs other than by the person prescribed - or when used other than for the prescribed purpose and/or dosage.

4.2.3.7.3 Manufacturing or distribution of illegal or prescription drugs.

4.2.3.7.4 Possession or use of drug paraphernalia including but not limited to equipment, products, and materials used to cultivate, manufacture, distribute, or use marijuana, methamphetamine, or other illegal drugs.

4.2.3.7.5 Operating any vehicle under the influence of drugs or while impaired by the use of any intoxicating substance.

4.2.3.7.6 Use of drugs resulting in a state that endangers oneself or others.

4.2.3.7.7 Use, possession, or distribution of controlled substances, excepting for legal personal use of prescribed medications as governed by Utah law.

4.2.3.7.8 Infractions of the Tobacco Free-Campus Policy (Policy 156)

4.2.3.8 **Falsification of Information:** Acts of dishonesty including, but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of University documents.
4.2.3.9 **Unauthorized Use:**

4.2.3.9.1 Unauthorized use, entry, or occupation of another person’s property or of University facilities, property, or vehicles.

4.2.3.9.2 Any unauthorized possession, duplication, or use of University keys or access devices.

4.2.3.9.3 Unauthorized removal or misuse of any University documents, records, data, nonpublic information, identification, educational material, or property (including forgery or alteration).

4.2.3.10 **Disruptive Behavior:**

4.2.3.10.1 Engaging in behavior that disrupts or interferes with instruction in any form, classroom teaching or other educational interactions, residential communities, research, administration, governmental functions, or disciplinary proceedings.

4.2.3.10.2 Leading, inciting, or participating in any on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the university, freedom of movement or safe passage and/or infringes on the rights of other members of the university community.

4.2.3.10.3 Engaging in behavior that disrupts or obstructs the right of free speech or expression of any person on campus (for more information, refer to the University Free Speech Policy).

4.2.3.10.4 Actions that are considered lewd or disorderly by a reasonable person including (but not limited to) voyeurism, public urination/defecation, and public exposure of intimate body parts.

4.2.3.11 **Weapons:** Illegal use or possession of firearms or other weapons such as blades larger than pocket knives; ammunition or explosives; dangerous chemicals, substances, or materials; bombs or incendiary devices; or simulated weapons; or any weapon prohibited by law or University policy. Use of any such items, even if legally possessed, in a manner that harms or threatens
others is prohibited. Appropriate permits must be maintained to demonstrate legitimacy of possession.

4.2.3.12 **Non-Compliance:**

4.2.3.12.1 Failure to comply with the verbal or written directions of any University officials or law enforcement officers acting in the performance of their duties and in the scope of their employment, or resisting or obstructing police officers while acting in the performance of their duties, including the failure to identify oneself to any of these persons when requested to do so.

4.2.3.12.2 Violating the terms of any interim measure, no contact order, exclusionary order, or other disciplinary sanctions imposed by the University.

4.2.3.13 **Sex-Based Discrimination, Sexual Harassment, and Retaliation Prohibited:** Sex-Based Discrimination, Sexual Harassment and Retaliation as defined in section III of this policy are prohibited. If at any time this policy and Policy 154 is at odds, Policy 154 will be the controlling policy.

4.2.4 **Misconduct on-or-off Campus**

4.2.4.1 Students are expected to conduct themselves respectfully and responsibly at all times, whether on or off campus. If a student or student organization is cited for, arrested for, charged with, indicted for, or convicted of violations of the law on or off campus, the University will cooperate with appropriate law enforcement officials insofar as the law permits and may impose disciplinary sanctions as necessary. If a student or student organization is reported to University officials for misconduct on-or-off campus, the University may intervene on a formal or informal basis.

4.2.4.2 Informal intervention involves the Dean of Students or designee discussing the violation of conduct with the responsible party in an attempt to reach a resolution. Formal intervention refers to the process outlined in Section 6.4 Initial Inquiry.

4.2.4.3 At the discretion of the Dean of Students or a designee, a student who is arrested for, charged with, or indicted for a serious criminal offense may be subject to immediate administrative
suspension pending judicial and/or University proceedings as outlined in Section VI of this code. Other interim sanctions such as probation or restriction may be imposed prior to a hearing.

4.3 Complaints and Initial Inquiry

4.3.1 Whenever possible, complaints should be resolved informally by the faculty member, work supervisor, department chair, program director, or Dean.

4.3.2 If informal resolution is not successful, any person directly aggrieved by an alleged violation of the Student Conduct Code (the Grievant) may submit an oral or written complaint to the Dean of Students, or a designee, according to the Procedure outlined in Section 6.2.

4.3.3 A complaint that is frivolous, that fails to state facts that constitute a violation of the Student Conduct Code, or that is not timely, may be dismissed by the Dean of Students after an initial review.

4.3.3.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under this policy and procedure or Policy 372 Corrective and Disciplinary Action Policy.

4.4 Resolution, Sanction, or Referral

4.4.1 The Dean of Students, or a designee, and respondent determines the resolution and/or sanction or the Dean of Students, or a designee, may refer the complaint to the Student Conduct Committee.

4.4.2 The Dean of Students, or a designee, and respondent may enter into any formal resolutions and/or sanctions outlined in Section 6.4.

4.4.3 The Student Conduct Committee may refer sanctions and/or formal resolutions in Section 6.4 to the Dean of Students or his designee in regard to the student. The Dean or his designee may not use the referred sanctions and formal resolutions.

4.4.3.1 A violation of the terms of agreement or additional misconduct may result in further disciplinary action.

4.4.4 The respondent has the right to appeal the Dean of Students’, or a designee’s, decision to the Vice President of Student Affairs according to the appeal procedure outlined in Section 6.7.
4.4.5 Any behavioral sanction imposed by the Dean of Students, or a
designee, will remain on file in the Dean of Students office for not less
than four (4) years.

4.5 Student Conduct Committee

4.5.1 The Student Conduct Committee is the body authorized to conduct
formal hearings and impose sanctions for alleged violations of the
Student Conduct Code. The committee also serves as an appellate
authority for informal hearings for alleged violations of the Student
Conduct Code.

4.5.2 Any referral to the Student Conduct Committee requires a formal,
written complaint. If the initial complaint was oral or not sufficiently
detailed, the Dean of Students or designee shall instruct the complaining
party to submit a detailed, formal, written complaint of the
circumstances giving rise to the complaint. If a written complaint cannot
be obtained, the Dean of Students may become the grievant.

4.5.3 The Student Conduct Committee will be comprised of faculty, staff, and
student representation and will follow the procedures, hearing
schedules, and hearing guidelines as outlined in Section 6.8 and Section
6.12.

4.6 C.A.R.E. Team:

4.6.1 Crisis Assessment and Risk Evaluation Team. This team is responsible
for working with the Dean of Students or his designee to consult and
discuss the different allegations of Grievant students.

4.7 Academic Integrity Committee

4.7.1 The Academic Integrity Committee is charged with adjudicating
appeals from students regarding an academic sanction imposed by a
faculty member after substantiated academic misconduct and with
determining sanctions beyond the faculty member issuing a failing
grade for the course.

4.7.2 The Academic Integrity Committee will be comprised of faculty and
student representation and will follow the procedures, hearing
schedules, and hearing guidelines as outlined in the Student Rights and
Responsibilities Procedure, Section 6.9 and Section 6.12.

4.8 Academic Appeals Committee
4.8.1 The Academic Appeals Committee is charged with reviewing appeals of graduation requirements, General Education requirements, and appeals of academic actions after they have reached the Dean level.

4.8.2 The Academic Appeals Committee will be comprised of faculty and student representation and will follow the procedures, hearing schedules, and hearing guidelines as outlined in the Student Rights and Responsibilities Procedure, Section 6.10 and Section 6.12.

4.9 Academic Appeals

4.9.1 In order to ensure that the highest standards of academic performance are promoted and supported at the University, students must:

4.9.1.1 Meet the academic requirements of the course, relevant discipline, or program.

4.9.2 Faculty members are qualified as professionals to observe and judge all aspects of a student’s academic performance. An academic action may be overturned on appeal only if the academic action was arbitrary or capricious.

4.9.3 Prerequisite, Placement, & Substitutions

4.9.3.1 Most appeals and proceedings regarding academic actions or requirements will initiate with the faculty and administrators in a specific department or program.

4.9.3.1.1 Course prerequisite and placement appeals are approved or disapproved by the Chair of the Department offering the course.

4.9.3.1.2 The student may appeal to the appropriate Dean supervising that department.

4.9.3.1.3 Course substitutions for courses required in a program or major that are not general education or University graduation requirements are to be approved or disapproved by the Department Chair and Dean.

4.9.3.2 A student who wishes to petition for an exemption to the University’s general education or graduation requirements or appeal the Dean’s decision must go through the Academic Appeals Committee.
4.10 Policy Exceptions Committee

4.10.1 The Policy Exceptions Committee is charged with reviewing appeals of academic standing and ruling on Exception to Policy petitions.

4.10.2 Exceptions to Policy petitions may be submitted for exceptions to the policies that govern registering, adding courses, dropping courses, auditing courses, payment of tuition and/or fees, refunds of tuition and/or fees, complete withdrawals, and other policies.

4.10.3 The Policy Exceptions Committee will consist of faculty, staff, and student representation and will follow the procedures, hearing schedules, and hearing guidelines as outlined in the Student Rights and Responsibilities Procedure, Section 6.11 and Section 6.12.

4.11 Exceptions to Policy

4.11.1 The University is obligated to ensure the integrity of the academic transcript as a historical document. An exception to policy is warranted only in cases involving unusual and extenuating circumstances.

4.11.2 It is a student’s individual responsibility to ensure the accuracy of his/her class schedule and transcript each semester as well as comply with all University regulations and deadlines. Being unaware of University procedures or deadlines does not constitute justification for an exception to policy.

4.11.3 Petitions must be received within four (4) years of the semester for which the petition is submitted.

4.12 Complaint without Academic Action

4.12.1 A student may file a complaint against a faculty or staff member for violating the student’s rights as outlined in the Student Conduct Code.

4.12.2 The student should seek to resolve the complaint with the involved faculty / staff member informally if possible.

4.12.2.1 If a formal complaint about an academic action is filed, the matter shall be processed through the Academic Appeal process described in Section 6.10.

4.12.3 If resolution between student and the faculty/staff member is not possible, the student may seek redress with the Department Chair of the department which offers the course or supervises the employee. If
resolution between the student and the Department Chair is not possible, the student may seek redress with the appropriate Dean charged with supervising that department.

4.12.4 The student reserves the right to appeal the Dean’s decision to the Provost with representation from the Dean of Students, or a designee, as outlined in Section 6.7.

4.12.5 If the faculty/staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Vice President or employ the Grievance Procedure, Policy 151.

4.13 Academic Responsibility

4.13.1 Any person who observes or discovers academic misconduct by a student is responsible for reporting the incident to the pertinent faculty member.

4.13.2 The faculty member shall make a reasonable effort to discuss the alleged academic misconduct with the accused student and give the student an opportunity to respond.

4.13.3 In all cases, the sanction for academic misconduct should reflect how knowing, intentional, and serious the instructor judges the academic dishonesty to be. If a faculty member has firm evidence of academic misconduct in a course s/he is instructing, the claim of academic misconduct shall be considered substantiated.

4.13.4 The Department Chair or Dean may undertake an investigation of the allegations and recommendations set forth in the complaint.

4.13.5 When a sanction has been imposed, the faculty member must give the student written notice of the academic sanction and the student’s right to appeal the academic sanction to the Academic Integrity Committee.

4.13.5.1 After notification of the decision of the Academic Integrity Committee, the respondent or grievant may appeal to the Provost and Vice President of Academic Affairs according to the outlines in Section 6.7.

4.14 Reinstatement

4.14.1 Reinstatement after Academic Conduct Suspension or Dismissal from a Program or the University, or Revocation of a Degree or Certificate
4.14.1.1 A student may be suspended or dismissed from a specific academic program or from the University. Reinstatement after dismissal is rare. The standards for reinstatement after dismissal are substantially higher than after suspension.

4.14.2 A student may petition for reinstatement by following the guidelines and procedure outlined in the Student Rights and Responsibilities Procedure.

4.14.2.1 Reinstatement After Academic Conduct Suspension or Dismissal from a Program can be found in Section 6.14.

4.14.2.2 Reinstatement After Academic Conduct Suspension or Dismissal from the University can be found in Section 6.15.

4.15 Student Professional Misconduct

4.15.1 In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the University, students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the student is preparing, as adopted or recognized as authoritative by the relevant academic program.

4.15.2 A student who engages in professional misconduct may be subject to academic sanctions including, but not limited to, a grade reduction, failing grade, probation, suspension, or dismissal from the program or the University, denial or revocation of a student’s degree or certificate, or comparable professional credentialing sanctions.

4.15.3 Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

4.15.4 Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the Department Chair or Program Director of the involved program.

4.15.5 A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Academic Dean after an initial review.

4.15.5.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under this
4.16 Revocation of a Degree or Certificate

4.16.1 Decisions to revoke a degree or certificate are final.

4.16.2 Permanent records concerning the revocation of a degree or certificate shall be kept in the Registrar’s Office.

4.16.2.1 Relevant external licensing and accrediting agencies shall be notified of a degree or certificate revocation.

4.16.3 The revocation of a degree or certificate shall be noted on the student’s transcript.

4.16.4 Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

4.17 Administrative Suspension

4.17.1 The Vice President of Student Affairs Dean of Students, or designee may suspend a student or restrict a student’s access to University premises and/or University activities for which the student might otherwise be eligible prior to an initial inquiry, hearing, or determination if there is reasonable cause to believe that a student poses a danger to him or herself, endangers the safety of other persons or property, or is an ongoing threat of disrupting the academic process or other University function.

4.17.2 The Vice President of Student Affairs Dean of Students, or designee may only restrict a student’s access to the extent necessary when there is reasonable cause to believe that the student’s presence or participation poses a danger to him or herself, endangers the safety of other persons or property, or is an ongoing threat of disrupting the academic process or other University functions.

4.17.3 Prior to, or contemporaneous with, or immediately after administrative suspension is issued, the Vice President of Student Affairs Dean of Students, or designee shall give the student written notice of the action. Notice shall include specifications of the alleged misconduct, references to violations within the student code, and a brief overview of relevant facts and supporting evidence.

4.17.4 The complaint shall thereafter be immediately referred to the Dean of
Students, or a designee, for proceedings.

4.17.4.1 Suspension may remain in effect pending a final determination of the matter.

V. References - N/A
VI. Procedures - N/A

6.1 Interim Measures

6.1.1 In certain circumstances, interim measures may be taken upon notification to the Dean of Students or Student Conduct Office regarding alleged student misconduct. These interim measures do not replace the student conduct process. Interim measures may be imposed effective immediately, without prior notice, when in the judgement of the Dean, the seriousness of alleged behavior threatens the safety and well-being of members of the DSU community, threatens DSU property or has potential to disrupt or interfere with normal DSU operations. The student or organization will be notified in writing of the terms of the interim measures and the reason for interim measures. Interim measures are reviewed as new information becomes available and adjusted accordingly. If the student or organization wishes to appeal the appropriateness of any interim measures imposed, they may submit to the Dean of Students or designee in writing the reasons why imposed interim measures are not appropriate. The Hearing Officer will review the information and subsequently notify the student or organization of their decision whether or not to adjust interim measures.

6.1.2 Interim measures include but are not limited to:

6.1.2.1 **Interim No Contact Order:** The student or members of an organization are prohibited from having contact with specifically identified individuals up to and through a student conduct hearing, if required. This may prohibit students from attending specific events, activities, or classes.

6.1.2.2 **Interim Trespass Order:** The student is prohibited from being in or near specifically identified locations, events, activities, or classes up to and through a student conduct hearing, if required.

6.1.2.3 **Interim Residential Relocation:** The student is prohibited from residing, or being near specifically identified DSU housing complexes up to and through a student conduct hearing, if required. The student will be provided temporary University
housing and access to DSU dining if included in the student’s original housing contract.

6.1.2.4 **Interim Residential Suspension:** The student is prohibited from residing or being near DSU housing complexes up to and through a student conduct hearing, if required. The student may attend classes.

6.1.2.5 **Interim University Suspension:** The student is denied access to campus, classes, and DSU activities up to and through a student conduct hearing, if required.

6.1.2.6 **Interim Transcript Notation:** A notation is made on a student’s official transcript indicating that there is a pending student conduct process. This notation will be removed at the conclusion of the student conduct process.

6.1.2.7 **Interim Dean’s Hold:** This is a hold which prevents a student from registering for classes, requesting a transcript, etc. until the conclusion of a student conduct hearing, or complying with other sanctions if required.

6.1.2.8 **Interim Degree Hold:** The awarding of a student’s degree is withheld until the conclusion of a student conduct hearing, if required or until the completion of all sanctions imposed.

6.1.2.9 **Interim Restriction of Activity:** A temporary restriction of student involvement. This may include but is not limited to DSUSA events, other activities, meetings, practices, philanthropic endeavors, and social gatherings until the matter is resolved.

6.2 General Provisions

6.2.1 Although formal appeal procedures are outlined in this document, the University encourages informal resolution of problems.

6.2.2 Informal resolution of problems by mutual consent of all parties involved is highly desired. Discussion regarding the issues between the involved student and the appropriate faculty member, Department Chair, Academic Dean, and/or Dean of Students, and/or a specified designee, is strongly encouraged.

6.2.3 The relevant administrator (Academic Dean or Dean of Students) retains
discretion as to whether an informal resolution is appropriate and adequate for the severity of the problem.

6.2.3.1 When formal resolution of problems is required, specific administrative procedures and timelines are outlined herein.

6.2.3.2 If conduct by a student falls under more than one section of the Student Conduct Code, the appropriate Academic Dean, Dean of Students or designee, or Vice President(s) shall decide the order of procedure.

6.2.3.3 Timelines for procedures under the Student Conduct Code are designed to offer appropriate and equitable resolutions. To facilitate fairness to all parties and/or avoid injury to any of the parties or another member of the Dixie State University community, the appropriate Academic Dean, Dean of Students or designee, or Vice President(s) may extend timelines in special circumstances. Special circumstances include:

6.2.3.3.1 Cases in which it will serve the best interests of the student or University

6.2.3.3.2 Cases in which it will better facilitate the administration of justice

6.2.3.3.3 Cases in which the proceedings under the Student Conduct Code are also the subject of ongoing criminal or civil enforcement proceedings by federal, state, or local authorities.

6.2.3.4 The Dean of Students, Vice President of Student Affairs, or Provost may place a hold on a student’s records and/or registration pending the resolution of proceedings under the Student Conduct Code, and these holds can only be removed by the office that placed them.

6.3 Complaint Procedures

6.3.1 Whenever possible, complaints should be resolved informally by the faculty member, work supervisor, department chair, program director, or Dean.

6.3.2 If informal resolution is not successful, any person directly aggrieved by an alleged violation of the Student Code (the grievant) may submit an
oral or written complaint to the Dean of Students within 120 60 days following the date of the act which is the basis for the grievance.

6.3.2.1 A written complaint or the complainant’s signature may be required.

6.4 Initial Inquiry

6.4.1 The discipline process begins when the Student Conduct Office, C.A.R.E. Team, Dean of Students or designee receives a written account of an incident. These reports include but are not limited to police reports, residence hall incident reports, or reports from faculty, administrative staff, students, other members of the DSU community, or from outside the University community. A Hearing Officer is assigned, and said employee will review the information available to decide next steps.

6.4.2 After an oral or written complaint has been submitted, the Dean of Students, or a designee, shall, within fifteen (15) ten (10) days, give written or verbal notice to the student against whom the complaint was lodged (the respondent) of the allegations of the complaint and the Student Rights and Responsibilities Procedures which will be used to resolve the issue.

6.4.3 Within fifteen (15) ten (10) days of the receipt of the complaint, the Dean of Students, or a designee, shall begin an initial inquiry with the help of the C.A.R.E. Team to determine whether there is a reasonable basis for believing the respondent violated the Student Conduct Code.

6.4.4 The Dean of Students, or a designee, shall interview the grievant, the respondent, and any other persons believed to have pertinent factual knowledge of the allegations and may also review other relevant evidence.

6.4.5 At the conclusion of the initial inquiry, which will occur not later than thirty (30) (20) days after the receipt of the complaint, the Dean of Students, or a designee, with the help of the C.A.R.E. Team will determine whether there is a reasonable basis for believing that the respondent violated the Student Conduct Code Standards of Conduct and shall notify the respondent and grievant orally or in writing of his or her decision.

6.4.6 If the Dean of Students, or a designee, with the help of the C.A.R.E. Team determines that there is no reasonable basis for the complaint, it
will be dismissed. The grievant will be notified by the Dean of Students, or a designee, of the decision.

6.4.7 If the grievant wishes to appeal the Dean of Students and C.A.R.E. Team dismissal, they may follow the appeal procedure outlined in Section 6.7.

6.5 Resolutions, Sanctions, or Referrals

6.5.1 If the Dean of Students determines that the complaint has a reasonable basis, within thirty (30) fifteen (15) days of the receipt of complaint, the Dean of Students, or a designee, will meet with the respondent to attempt resolution or refer complaint to the Student Conduct Committee. If the complaint is given to the Student Conduct Committee, they will within 15 days let the student know if they are needed at a student conduct hearing. It is up to the respondent whether or not they want to have their sanctions brought to them by the Dean of Students or designee or the Student Conduct Committee.

6.5.2 Upon discussion with the Dean of Students or designee, a student may or may not waive their rights as stated in Section 4.1.

6.5.3 The Student Conduct Committee, Dean of Students or designee and respondent may enter into the following formal resolutions:

6.5.3.1 Agreement by the responding student to:

6.5.3.1.1 Refrain from specific behaviors

6.5.3.1.2 Refrain from contacting specific individuals

6.5.3.1.3 Seek professional counseling or other treatment

6.5.3.1.4 Participate in specified community service activities

6.5.3.2 Other agreements between the respondent and Dean of Students, or a designee, that is mutually beneficial is supported.

6.5.3.3 All resolutions must be in writing and bear the signatures of both the Dean of Students or designee and the respondent and will remain on file in the Dean of Students office for not less than four (4) years.

6.5.3.4 A violation of the terms of agreement or additional misconduct may result in further disciplinary action.
6.6 The Student Conduct Committee, Dean of Students, or a designee, and respondent may enter into any or all of the following sanctions:

6.6.1 Warning or Reprimand: Notice of warning or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of specified University policies or campus regulations may be cause for further disciplinary action.

6.6.2 Disciplinary probation: A status imposed for specific period of time in which a student must demonstrate conduct that conforms to the University Standards of Conduct.

6.6.3 Exclusion from specific campus areas or activities, or loss of specific privileges for a specified period of time or until specific conditions are met.

6.6.4 Community service: A number of hours of specified volunteer activity for which no academic credit or remuneration may be received.

6.6.5 Restitution: Reimbursement to the University or other parties for expenses resulting from a violation of the Student Code may be required in the form of monetary payment, service to repair, or other compensation.

6.6.6 Referral: A student may be referred to a licensed physician or other mental health professional for evaluation.

6.6.7 Hold on University records and/or registration: A Hold may be placed on the student’s University records and/or ability to register for classes for either a specified period of time or until the student satisfied any conditions imposed as part of a sanction.

6.6.7.1 The hold may prevent the student from registering and/or from obtaining transcripts, verifications, or a degree from the University.

6.6.8 Disciplinary Suspension: The termination of student status for a specified academic term or terms.

6.6.8.1 Suspension may include other sanctions such as exclusion from specific campus areas.

6.6.8.2 Suspension from the University shall be for a minimum time of one full semester following the semester the student is found
responsible for the behavioral misconduct.

6.6.8.3 The suspended student’s transcript may reflect the disciplinary suspension.

6.6.8.4 The Dean of Students or designee shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the suspension shall also be provided to the student’s department chair.

6.6.9 Disciplinary Dismissal: The termination of student status for an indefinite period. Dismissal is reserved for egregious violations of the Student Conduct Code, and the student may not be eligible for reinstatement.

6.6.10 Dismissal may include other sanctions such as exclusion from campus.

6.6.10.1 The dismissed student’s transcript may reflect his/her dismissal.

6.6.10.2 The Dean of Students or designee shall notify the student in writing of the dismissal, conditions for reinstatement, and of the option of the student to petition for reinstatement. Notice of the dismissal shall also be provided to the student’s Department Chair.

6.6.10.3 A student who wishes to petition for reinstatement after Disciplinary Dismissal must do so in writing to the Vice President of Student Affairs not less than thirty (30) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain how the student has met conditions for reinstatement.

6.6.11 Disciplinary Expulsion: The permanent termination of student status. Expulsion is reserved for the most egregious violations of the Student Code, and the student is not eligible for reinstatement. The Dean of Students shall notify the student in writing of the expulsion.

6.6.12 A violation of the terms of agreement, additional misconduct, continued misconduct, or non-compliance with the aforementioned sanctions may result in further disciplinary sanctions.

6.6.13 If the Dean of Students has adjudicated the matter, within ten (10) fifteen (15) days of notification of the Dean of Students’ decision, the
respondent may file an appeal to the Vice President of Student Affairs according to the appeal procedure outlined in the Student Rights and Responsibilities Procedure.

6.7 Complaint without Academic Action

6.7.1 A student may file a complaint against a faculty or staff member for violating the student’s rights as outlined in the Student Conduct Code.

6.7.1.1 The student should seek to resolve the complaint with the involved faculty/staff member informally if possible.

6.7.1.2 If a formal complaint about an academic action is filed, the matter shall be processed through the Academic Appeal process described herein.

6.7.2 If resolution between student and the faculty / staff member is not possible, the student may seek redress with the Department Chair of the department which offers the course or supervises the employee.

6.7.2.1 The Department Chair may refer matters to the appropriate Dean for action.

6.7.2.2 The Department Chair shall meet with the student to attempt resolution within ten (10) days of receipt, conferring with the faculty or staff member as needed.

6.7.2.3 If the Department Chair believes that discrimination or harassment has occurred, the matter will be referred to the supervising Dean.

6.7.2.4 If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Dean or employ the Grievance Procedure, Policy 151.

6.7.2.5 If resolution between the student and the Department Chair is not possible, the student may seek redress with the appropriate Dean charged with supervising that department.

6.7.2.5.1 The Dean shall meet with the student to attempt resolution within ten (10) days of receipt.

6.7.2.5.2 The Dean shall meet with the faculty / staff member if necessary and will inform the faculty member and Department Chair of the complaint and the resolution
within ten (10) fifteen (15) days of receipt.

6.7.2.6 If the Dean believes that discrimination or harassment has occurred, s/he shall institute other appropriate measures.

6.7.2.6.1 If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Vice President or employ the Grievance Procedure, Policy 151.

6.7.2.7 The student may appeal the Dean’s decision to the Provost with representation from the Dean of Students, or a designee.

6.7.2.7.1 The Provost shall approve or deny the appeal within fifteen (15) days of receipt of the complaint after taking whatever measure s/he finds appropriate to resolve the appeal.

6.7.2.7.2 The Provost’s decision shall be final.

6.7.2.7.3 If the faculty / staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 151.

6.7.2.8 If the complaint involves a non-academic staff member and resolution is not possible, the student may seek redress with the Dean of Students, or a designee.

6.7.2.8.1 The Dean of Students, or a designee, shall meet with the student to attempt resolution within fifteen (15) days of receipt and may refer the matter to the appropriate supervisor.

6.7.2.9 If resolution between the student and the Dean of Students, or a designee, is not possible, the student may appeal to the Provost.

6.7.2.9.1 The Provost shall approve or deny the appeal within fifteen (15) days of receipt of the complaint after taking whatever measure s/he finds appropriate to resolve the appeal.

6.7.2.9.2 The Provost’s decision shall be final.

6.7.2.9.3 If the faculty / staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 151.
6.8 Appeal Procedures

6.8.1 Appeals to the Vice President of Student Affairs Procedures in the case of Policy Exceptions, Student Conduct, Resolution, Sanction, Referral, or unsuccessful complaint resolution.

6.8.2 Students may submit and have their appeal considered by the Vice President of Student Affairs under one of these three (3) conditions. 1) The sanctions were disproportionate to the violation. 2) A procedural irregularity in the student conduct process substantially impacted the decision. 3) New evidence (that was not reasonably available at the time the sanctions were imposed) has since become available.

6.8.2.1 Within ten (10) fifteen (15) days of notification of the Dean of Students’ decision, the student may file a written notice of appeal with the Vice President of Student Affairs.

6.8.2.2 The Vice President of Student Affairs shall consider the appeal and may solicit whatever counsel and advice the Vice President of Student Affairs deems appropriate to arrive at a final decision. After receiving the appeal, the Vice President of Student Affairs shall, within fifteen (15) days:

6.8.2.2.1 Accept the decision of the Dean of Students by denying the appeal.

6.8.2.2.2 Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than fifteen (15) days after the request.

6.8.2.2.3 Reject all or part of the Dean of Students’ decision, stating reasons and actions therefore.

6.8.2.3 Written notification of the Vice President of Student Affairs’ decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.

6.8.2.4 The Vice President of Student Affairs’ decision shall be final.

6.8.3 Appeal to the Provost Procedures in the case of Academic Appeals and Academic Integrity:
6.8.3.1 Students may submit and have their appeal considered by the Vice President of Student Affairs under one of these three (3) conditions. 1) The sanctions were disproportionate to the violation. 2) A procedural irregularity in the student conduct process substantially impacted the decision. 3) New evidence (that was not reasonably available at the time the sanctions were imposed) has since become available.

6.8.3.2 Within fifteen (15) days of notification of the Committee’s decision, the student may file a written notice of appeal with the Provost.

6.8.3.3 The Provost shall consider the appeal and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision. After receiving the appeal, the Provost shall, within fifteen (15) days, take one of the following actions:

6.8.3.3.1 Accept the decision of the relevant committee.

6.8.3.3.2 Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than fifteen (15) days after the request.

6.8.3.3.3 Reject all or parts of the Committee’s decision, stating reasons and actions to be taken therefore.

6.8.3.4 Written notification of the Provost’s decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.

6.8.3.5 The Provost’s decision shall be final.

6.9 Student Conduct Committee

6.9.1 The Student Conduct Committee is the body authorized to conduct formal hearings and impose recommended sanctions for alleged violations of the Standards of Student Conduct. The committee also serves as an appellate authority for informal hearings for alleged violations of the Standards of Student Conduct.

6.9.2 Any referral to the Student Conduct Committee requires a formal, written complaint and notification from the Dean of Student or a
designee. If the initial complaint was oral or not sufficiently detailed, the Dean of Students shall instruct the complaining party to submit a detailed, formal, written complaint of the circumstances giving rise to the complaint. The formal, written complaint must be received within fifteen (15) ten (10) days of such instruction, and may be sent to the Student Conduct Committee.

6.9.2.1 If no written complaint can be obtained, the Dean of Student may become the complainant.

6.9.3 The Student Conduct Committee is chaired by a non-voting faculty member and a staff member, and is comprised of at least three (3) voting faculty members selected by the Faculty Senate President and Provost, at least three (3) staff members selected by the Vice President of Student Affairs, and at least three (3) student representatives selected by the DSUSA Student Body President.

6.9.4 A hearing board of at least five (5) members will be chosen from the Student Conduct Committee. Students, faculty, and staff will have representation at all hearings.

6.9.4.1 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs Dean of Students, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President, Provost, or DSUSA Student Body President.

6.9.5 The same individual voting members must be present at each session of a hearing.

6.9.6 The Committee shall establish internal procedures consistent with this procedure.

6.9.7 Committee decisions are based on a majority vote, utilizing the preponderance of evidence standard.

6.9.8 The Student Conduct Committee shall abide by the Hearing Schedule and Guidelines as outlined in Section 6.12.

6.9.9 The Student Conduct Committee may impose recommend any sanction(s) listed above in Section 6.4.

6.10 Academic Integrity Committee
6.10.1 The Academic Integrity Committee is charged with adjudicating appeals from students regarding an academic sanction imposed by a faculty member after substantiated academic misconduct and with determining sanctions beyond the faculty member issuing a failing grade for the course.

6.10.2 The Academic Integrity Committee will consist of at least four (4) voting faculty members chosen by the Faculty Senate President and the Provost, and at least three (3) students selected by the DSUSA President. A non-voting faculty member will chair the committee. Members shall be selected for broad representation from colleges, divisions, departments, and programs.

6.10.3 At least five (5) three (3) voting members of the committee must be present at any hearing with representation from students and faculty at all hearings.

6.10.4 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.

6.10.5 Committee decisions are based on a majority vote.

6.10.6 The written appeal or complaint shall be filed with the Committee Chair.

   6.10.6.1 Students may submit and have their appeal considered by the Vice President of Student Affairs under one of these three (3) conditions. 1) The sanctions were disproportionate to the violation. 2) A procedural irregularity in the student conduct process substantially impacted the decision. 3) New evidence (that was not reasonably available at the time the sanctions were imposed) has since become available.

   6.10.6.2 Within fifteen (15) days of receipt of the appeal or complaint, the Committee Chair will notify the other parties, supplying copies of the written appeal.

   6.10.6.3 The person responding to the appeal or complaint may deliver his/her written response to the chair of the Committee no later than fifteen (15) days after notification of the complaint and recommendations.
6.10.6.4 The Committee Chair shall provide a copy of any written response to the corresponding party.

6.10.7 Unless they are a complaining party, appropriate Dean(s), including the Dean over the student’s declared major, if applicable, may attend the hearing ex officio.

6.10.8 The Academic Integrity Committee shall abide by the Hearing Schedule and Guidelines as outlined in Section 6.12.

6.11 Academic Appeals Committee

6.11.1 The Academic Appeals Committee is charged with reviewing appeals of graduation requirements, General Education requirements, and appeals of academic actions after they have reached the Dean level.

6.11.2 The Academic Appeals Committee will be comprised of at least four (4) voting faculty members chosen by the Faculty Senate President and the Provost, and at least three (3) students selected by the DSUSA President. A non-voting faculty member will chair the committee. Members shall be selected for broad representation from University schools, divisions, departments, and programs.

6.11.3 At least three (3) voting members of the committee must be present at any hearing and there will be representation from students and faculty at all committee hearings.

6.11.4 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.

6.11.5 The Committee shall establish internal procedures consistent with this procedure.

6.11.6 Committee decisions are based on a majority vote.

6.11.7 The written appeal shall be filed with the Committee Chair.

6.11.7.1 Students may submit and have their appeal considered by the Vice President of Student Affairs under one of these three (3) conditions. 1) The sanctions were disproportionate to the violation. 2) A procedural irregularity in the student conduct process substantially impacted the decision. 3) New evidence
(that was not reasonably available at the time the sanctions were imposed) has since become available.

6.11.7.2 The Chair of the Academic Appeals Committee must receive notification in writing of an appeal not later than fifteen (15) days after the student’s previous notification by the Dean.

6.11.7.3 The faculty member whose decision is being appealed, or the student in the case of a faculty member’s appeal, may deliver a written response to the Chair of the Academic Appeals Committee no later than fifteen (15) days after the receipt of the appeal.

6.11.7.4 The Chair of the Committee shall deliver a copy of any written response to the corresponding party.

6.11.8 The Academic Appeals Committee shall abide by the Hearing Schedule and Guidelines as outlined in Section 6.12.

6.12 Policy Exceptions Committee

6.12.1 The Policy Exceptions Committee is charged with reviewing appeals of academic standing and ruling on Exception to Policy petitions

6.12.1.1 Academic Standing is outlined in its own respective policy.

6.12.1.2 Members will include four (4) five (5) faculty members selected by the Faculty Senate President and the Vice President of Academic Affairs, three (3) students selected by the DSUSA President, and four (4) three (3) staff members selected by the Vice President of Student Affairs. The Committee will be chaired by a non-voting faculty member.

6.12.2 At least five (5) voting members of the committee must be present at any hearing, except during summer months when three (3) voting members will constitute a quorum.

6.12.3 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.

6.12.4 The Committee shall establish internal procedures consistent with this procedure.
6.12.5 Committee decisions are based on a majority vote.

6.12.6 The Policy Exceptions Committee shall first consider the written petition in a formal meeting without the student present, and render a decision based on the written petition. The committee’s decision shall be communicated to the student in writing within fifteen (15) days following the conclusion of the committee.

6.12.7 If the student’s petition is granted, the Committee chair will direct the Registrar’s Office, or other College office as appropriate, to implement the approved action.

6.12.8 If the student’s petition, or any portion of the petition, is denied, the student shall be invited to appear at the next meeting in which the student presents the petition in person. In this meeting, the student may present written statements from doctors, faculty members, fellow students, or others.

6.12.9 The Policy Exceptions Committee shall consider the information that the student provided in the hearing and render a second decision on the student's petition. The committee's decision shall be communicated to the student in writing within fifteen (15) days following the committee’s decision.

6.12.10 Appeal to the Vice President of Student Affairs (A, B, C, D, & E)


6.13 Hearing Schedule and Guidelines

6.13.1 The committee chair Dean of Students, or a designee, will schedule a hearing no later than fifteen (15) thirty (30) days after the Committee receives the written complaint or appeal.

6.13.2 Written notice must be sent to the responding student no less than fifteen (15) ten (10) days before the scheduled hearing unless agreed to by involved parties to waive ten (10) day notice. Such notice must include, if applicable, the following:

6.13.2.1 Brief statement of the factual basis of the charges

6.13.2.2 Nature of the violation and the specific rule, regulation, or policy violated
6.13.2.3 Time and place of the hearing

6.13.2.4 Notification of the right to counsel

6.13.2.4.1 Students can waive their timeliness or appeal for a continuation in order to obtain legal counsel.

6.13.2.5 At the request of the respondent, the names of committee members will be released.

6.13.3 The University’s legal counsel shall serve as a resource to the Committee and may be present at hearings to provide guidance on substantive law and procedural matters.

6.13.4 The parties shall have a right to be accompanied by any person as an advisor, including legal counsel who can advise the client but cannot present on behalf of their client, who will be permitted to attend and participate in hearings.

6.13.5 Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.

6.13.6 Hearings shall be closed to the public.

6.13.7 Hearings shall be recorded.

6.13.7.1 A respondent who is considering an appeal will be granted post-hearing access on campus to review. No transcript or copy shall be made of the recording.

6.13.7.2 The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.

6.13.8 Committee deliberations and voting shall take place in closed session and will not be recorded.

6.13.9 If the grievant or the respondent fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available testimony and evidence.

6.13.10 The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing.
Committee members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.

6.13.11 The student may appeal the decision to the relevant Vice President as outlined in Section 6.7.

6.14 Student Academic Misconduct Procedure

6.14.1 A student who engages in academic misconduct may be subject to academic sanctions. In all cases, the sanction for academic misconduct should reflect how knowing, intentional, and serious the instructor judges the academic dishonesty to be. If a faculty member has firm evidence of academic misconduct in a course s/he is instructing, the claim of academic misconduct shall be considered substantiated. The faculty member may impose the following sanctions:

6.14.1.1 Require that the work be redone, an exam retaken, or an alternate assignment substituted.

6.14.1.2 Reduce the grade for the assignment or other academic activity.

6.14.1.3 Reduce the grade for the course.

6.14.1.4 Issue a grade of “F” for the paper, project, test, exam, or other academic activity in which the misconduct occurred.

6.14.1.5 Issue a failing grade for the course.

6.14.1.6 Community service.

6.14.1.7 Written reprimand.

6.14.1.8 Written statement of misconduct that can be out into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

6.14.2 Any person who observes or discovers academic misconduct by a student must file a written complaint with the faculty member responsible for the pertinent academic activity within fifteen (15) days of the date of discovery of the alleged violation.

6.14.2.1 A student’s failure to report academic misconduct on the part of another can result in academic misconduct charges against that student.
6.14.3 A faculty member who discovers or receives a complaint of misconduct relating to an academic activity for which the faculty member shall take action under these procedures and impose an appropriate sanction for the misconduct as outlined in this document.

6.14.4 Upon receipt of a complaint or discovery of academic misconduct, the faculty member shall make reasonable efforts to discuss the alleged academic misconduct with the accused student no later than five (5) fifteen (15) days after receipt of the complaint or discovery of misconduct, and give the student an opportunity to respond.

6.14.5 Within ten (10) fifteen (15) days thereafter, the faculty member shall give the student written notice of the academic sanction, if any, to be taken and the student’s right to appeal the academic sanction to the Academic Integrity Committee.

6.14.6 Academic sanctions that can be imposed by the Academic Integrity Committee in these cases include, but are not limited to, the following:

6.14.6.1 A notation on the student’s academic transcript that the F grade in a specific course was issued for academic misconduct.

6.14.6.2 Academic Conduct Censure or Probation. Academic Conduct Probation imposes conditions on a student for a specific period of time.

6.14.6.3 Community service.

6.14.6.4 Academic Conduct Suspension or Dismissal from a program. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct.

6.14.6.5 Academic Conduct Suspension or Dismissal from the University. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct. Dismissal from the University shall be reserved for the most serious or egregious instances of academic misconduct.

6.14.6.6 Denial of a degree or certificate for which requirements have been completed or revocation of an awarded student’s degree or certificate. Grounds for denial or revocation include convincing evidence that the degree recipient engaged academic misconduct.
serious enough to negate the legitimate completion of one or more substantive requirements of that degree or certificate.

6.14.7 If the faculty member imposed any sanction for academic misconduct, within fifteen (15) days of imposing the sanction, the faculty member shall report, in writing, the misconduct and the sanction imposed to:

6.14.7.1 The Chair of the Department offering the course

6.14.7.2 The Academic Dean

6.14.7.3 The Registrar’s Office

6.14.7.4 The responding student

6.14.8 If the faculty member believes that the student’s academic misconduct warrants further academic sanctioning, he/she may, within ten (10) fifteen (15) days of receiving notice of or discovering the misconduct, submit a written complaint with recommendations to the appropriate Department Chair.

6.14.8.1 Within ten (10) fifteen (15) days of such notification, a Department Chair who believes that a student’s academic misconduct warrants further academic sanction, may submit a written complaint and recommendation to the Academic Integrity Committee on his/her own volition.

6.14.8.1.1 Alternatively, a faculty member, Department Chair, or Dean may take a complaint directly to the Academic Integrity Committee.

6.14.8.2 The Department Chair may undertake an investigation of the allegation and recommendations set forth in the complaint.

6.14.9 Within fifteen (15) days of receipt of the complaint, the Department Chair shall forward the complaint and recommendation to the appropriate Dean. The Department Chair shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.

6.14.10 The Dean may undertake an investigation of the allegations and recommendations set forth in the complaint.

6.14.11 Within ten (10) fifteen (15) days of receipt of the complaint or learning of the academic misconduct, the Dean shall forward the complaint and
recommendation to the Academic Integrity Committee. The Dean shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.

6.14.12 The person initiating the original complaint remains as the complainant unless that person agrees that the Department Chair or Dean or another administrative designee shall become the complainant.

6.14.13 If the student has appealed the academic sanction imposed by the faculty member, the time periods may be extended until fifteen (15) days after the resolution of the student’s appeal.

6.14.14 In cases of multiple instances of substantiated academic misconduct, misconduct that damages the academic integrity of a program or the University as a whole, or other egregious circumstances, a faculty member, Department Chair, or Dean, including the Dean of Students or Provost, may submit a written complaint with recommendation to the Academic Integrity Committee at any time.

6.15 Reinstatement After Academic Conduct Suspension or Dismissal from a Program

6.15.1 If a student is suspended or dismissed from a program for Academic Misconduct, s/he may petition the appropriate Dean for reinstatement into the program not less than fifteen (15) forty-five (45) days before the beginning of the semester.

6.15.2 Reinstatement after dismissal is rare and the standards for reinstatement after dismissal are substantially higher than after suspension.

6.15.3 The Dean, in consultation with the Department Chair, may:

6.15.3.1 Reinstate the student unconditionally.

6.15.3.2 Reinstate the student under specific conditions designed to improve the student’s academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.15.3.3 Decline to reinstate the student.

6.15.4 Written notice of the Dean’s decision shall be given to the student within fifteen (15) days after the receipt of the petition. If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester. A student is only able to petition 3 times.
6.15.5 The student may submit a written appeal of the Dean’s decision to the Provost within fifteen (15) days of notification.

6.15.6 The Provost shall consider the appeal and issue a decision regarding the student’s reinstatement within fifteen (15) days of receipt of the appeal.

6.15.7 The Provost may:

6.15.7.1 Reinstate the student unconditionally.

6.15.7.2 Reinstate the student under specific conditions designed to improve the student’s academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.15.7.3 Decline to reinstate the student.

6.15.8 The Provost’s decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester. A student is only able to petition 3 times.

6.16 Reinstatement after Academic Conduct Suspension or Dismissal from the University

6.16.1 If a student is suspended from the University for Academic Misconduct, s/he may petition the Academic Integrity Committee for reinstatement of student status not less than sixty (60) days before the beginning of the semester in which the student wishes to be reinstated.

6.16.2 Reinstatement after dismissal is rare. The standards for reinstatement after dismissal are substantially higher than after suspension.

6.16.3 The Academic Integrity Committee may:

6.16.3.1 Reinstate the student unconditionally.

6.16.3.2 Reinstate the student under specific conditions designed to improve the student’s academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.16.3.3 Decline to reinstate the student.

6.16.4 Written notification of the Committee’s decision is required not later
than fifteen (15) thirty (30) days after receipt of the petition.

6.16.4.1 If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester. A student is only able to petition 3 times.

6.16.5 The student may submit a written appeal of the Academic Integrity Committee’s decision not to reinstate to the Provost within fifteen (15) days of notification.

6.16.6 The Provost shall consider the appeal and issue a decision regarding the student’s reinstatement within ten (10) fifteen (15) days of receipt of the appeal.

6.16.7 The Provost may:

6.16.7.1 Reinstate the student unconditionally.

6.16.7.2 Reinstate the student under specific conditions designed to improve the student’s academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.16.7.3 Decline to reinstate the student.

6.16.8 The Provost’s decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester. A student is only able to petition 3 times.

6.17 Professional Misconduct Procedure

6.17.1 A student who engages in professional misconduct may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension, dismissal from the program or the University, denial or revocation of a student’s degree, certificate, or comparable professional credentialing sanctions, community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

6.17.2 Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the Department Chair or Program Director of the involved program within thirty (30) days of the date of discovery of the alleged violation.
6.17.3 A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Academic Dean after an initial review.

6.17.3.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under Policy 5-33 Student Code (student); Policy 4-26 Corrective and Disciplinary Action Policy (staff), or Policy 3-4 Faculty Rights and Academic Freedom (faculty).

6.17.3.2 Upon receipt of the complaint, the Chair/Director shall discuss the alleged misconduct with the responding student within fifteen (15) days and give the student an opportunity to respond.

6.17.4 The Chair/Director may interview the complainant and any other persons believed to have pertinent factual knowledge of the allegations. The Chair/Director may also review any other relevant evidence, including documentary evidence.

6.17.5 The Chair/Director shall determine whether there is a reasonable basis to believe that the student engaged in professional misconduct.

6.17.6 If the Chair/Director determines that there is no reasonable basis to believe that the student engaged in professional misconduct, the Chair/Director shall, within fifteen (15) days of receipt of the complaint, notify the student and the complainant in writing of the decision.

6.17.6.1 If a complainant wishes to appeal the Chair/Director’s decision that there is no reasonable basis for a complaint, such appeal may be filed with the appropriate Dean Provost within fifteen (15) days after notification.

6.17.6.2 The appropriate Dean Provost shall consider the appeal and the response and may solicit whatever counsel and advice the Dean Provost deems appropriate to arrive at a final decision. After receiving the appeal, the Dean Provost shall, within fifteen (15) days:

6.17.6.2.1 Accept the decision of the Chair/Director by denying the appeal.

6.17.6.2.2 Reject all or part of the Chair/Director’s decision, stating reasons and actions therefore.
6.17.6.3 If a complainant wishes to appeal the Dean’s decision that there is no reasonable basis for a complaint, such appeal may be filed with the appropriate Provost within fifteen (15) days after notification.

6.17.6.4 The Provost shall consider the appeal and the response and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision. After receiving the appeal, the Provost shall, within fifteen (15) days:

6.17.6.4.1 Accept the decision of the Chair/Director by denying the appeal.

6.17.6.4.2 Reject all or part of the Chair/Director’s decision, stating reasons and actions therefore.

6.17.6.5 The Provost’s decision shall be final.

6.17.7 If the Chair/Director determines that there is a reasonable basis for believing that the student engaged in professional misconduct, he/she shall determine whether efforts for informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within fifteen (15) days of receipt of the complaint.

6.17.8 If an informal resolution is reached, the respondent shall be notified in writing. If the respondent complies with the terms and conditions of the resolution, no further action against the student will be taken and the matter will be closed.

6.17.9 If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the Chair/Director shall, within fifteen (15) days of receipt of the complaint, refer the complaint, including his/her recommendation for academic sanctions, to the Academic Appeals Committee.

6.17.10 All previous reports and recommendations shall be forwarded to the Chair of the Academic Appeals Committee.

6.17.10.1 The Committee may take any of the following actions:

6.17.10.2 Ratify the decision of the Dean, Department Chair, or Director.

6.17.10.3 Reject all or part of the decision of the Dean, stating reasons and actions for recommending greater or lesser sanctions than previously determined.
6.17.10.4 The Committee may recommend any of the sanctions listed in this Section 6.4.

6.17.10.5 The Committee chair shall prepare a written report of the Committee's findings, decision, and recommendations and present it to the Provost within fifteen (15) days after the conclusion of the hearing.

6.17.11 The Provost shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision.

6.17.12 The Provost may also convene an ad hoc committee composed of students and faculty members from outside the department or Academic Appeals Committee to determine if there were substantial defects that denied basic fairness and due process.

6.17.13 After considering the appeal, the Provost shall, within fifteen (15) days, or within thirty (30) days of receipt of recommendation if an ad hoc committee is formed, take one of the following actions and provide a written notification to all parties:

6.17.13.1 Accept the Academic Appeals Committee's findings and recommendations

6.17.13.2 Return the report to the Academic Appeals Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the Provost a second report of its findings and recommendations relating to the specific matters referred by the Provost for further consideration.

6.17.13.3 Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The Provost may impose greater or lesser sanctions than recommended by the Committee.

6.17.13.4 If sanctions are imposed or negated, the Registrar's Office must be so notified.

6.17.14 The Provost's decision shall be final.

6.17.15 The Dean shall take appropriate action to implement the final decision. If the student is found responsible of professional misconduct, the Dean
shall notify, in writing, the student’s department or program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a program or from the University or revocation of a degree or certificate, the Dean shall also convey the decision to the Registrar’s Office for inclusion on the transcript.

6.17.16 Records of proceedings under the Student Conduct Code shall be confidential to the extent permitted by law. Records of professional misconduct shall be kept in the Registrar’s Office, and a copy may be maintained in other academic departments as appropriate.

6.17.17 The dismissed student’s transcript will reflect his/her dismissal.

6.18 Professional Misconduct Sanctions

6.18.1 Any of the sanctions listed in Section 6.4 or Section 6.10 of this document may be imposed. In addition, the following sanctions may be issued:

6.18.1.1 Professional Conduct Suspension from a program or from the University.

6.18.1.2 Professional Conduct Dismissal from a program or from the University.

6.18.1.3 Professional Conduct Expulsion from a program or from the University.

6.18.2 Suspension, dismissal, or expulsion for professional misconduct will be reflected on the student’s academic transcript.

6.18.3 Permanent records of Professional Conduct Dismissal or Expulsion from a program or the University shall be kept in the Registrar’s Office.

6.18.4 Suspension from a program shall be for a minimum of one semester following the semester the student is found responsible for professional misconduct.

6.18.5 The Dean shall notify the student in writing of the suspension, dismissal, or expulsion; conditions for reinstatement; and of the obligation of the student to petition for reinstatement.

6.18.6 Dismissal should be reserved for only egregious offenses, and expulsion should be reserved for the most egregious offenses. There is no possibility of reinstatement to the University after expulsion.
6.19  Records of Proceedings

6.19.1  No University employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after notifying the student and following appropriate procedures outlined in the statutes.

6.19.2  Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of academic misconduct shall be kept in the Registrar’s Office, and copies may be retained in other academic departments and by the Dean of Students as appropriate.

6.19.3  Records regarding any instance of academic misconduct where sanctions are imposed will be included in a student’s academic record (not the academic transcript) for the purpose of institutional record keeping.

6.19.4  The sanctions of academic conduct suspension or dismissal from the University may appear on the student’s transcript; degree revocation will appear on the student’s transcript.

6.19.5  Permanent records of dismissal from a program, dismissal from the University, and degree revocation shall be kept in the Registrar’s Office.

6.20  Other University Proceedings

6.20.1  If the filing of a complaint or an appeal relating to professional or academic misconduct under the Student Code raises other issues concerning behavioral or academic misconduct, the relevant Vice President(s) and/or the Dean of Students and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

VII.  Addenda-N/A

Policy Owner: VP, Student Affairs
Policy Steward: Director of Student Involvement and Leadership

History:
Approved 1/29/99
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